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Letter dated 14 June 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 13 June 2006 addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus, forwarding the letter of Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

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Annex to the letter dated 14 June 2006 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a letter dated 13 June 2006 addressed to you by Serdar R. Denktaş, Deputy Prime Minister and Minister for Foreign Affairs of the Turkish Republic of Northern Cyprus (see enclosure).

I would be grateful if the text of the present letter and its enclosure could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I have the honour to refer to your report of 23 May 2006 on the United Nations Operation in Cyprus for the period from 30 November 2005 to 17 May 2006 (S/2006/315) and to bring to your kind attention the following.

I wish to point out at the outset that we have noted the caution taken in the drafting of the report so as to avoid any further misunderstandings concerning recent political developments and the positions of the two sides on the island. In this regard, the section entitled mission of good offices and other developments of the report rightly points out the need for the Greek Cypriot side to match its deeds with its words.

As you are already well aware, we accepted the proposal by your Special Representative in Cyprus and immediately started working towards the formation of the technical committees on the proposed 10 topics. As also communicated to your on various occasions, the technical committees are under no circumstances to be considered a substitute for the negotiating process towards a comprehensive settlement within the framework of your mission of good offices.

Unfortunately, the Greek Cypriot side chose to exploit the meeting held between you and the Greek Cypriot leader, misguiding public opinion once again. Most recently, the Greek Cypriot leadership has begun accusing the Turkish Cypriot side of causing delays in the formation of the technical committees, entering once again, into blame games. Needless to say, your Special Representative in Cyprus has been in possession of the Turkish Cypriot side's written consent for the formation of the technical committees since February 2006. The Greek Cypriot side, on the other hand, has so far been engaged in delaying tactics by demanding unacceptable conditions for the commencement of the work of the committees. We now know that no written acceptance has been given to the United Nations by the Greek Cypriot side on the matter. Still, we expect that the Greek Cypriot side will honour, without further delay, its commitment explicitly expressed to United Nations officials, including yourself (as contained in the press statement issued after your meeting with Mr. Papadopoulos in Paris on 28 February 2006), for the establishment of the technical committees.

We believe that, under the circumstances, the action plan on lifting the restrictions in Cyprus proposed by the Republic of Turkey with the Turkish Cypriot side's full support mentioned in your report (S/2006/315, para. 5) presents the best opportunity for ending the current deadlock and moving towards reconciliation in Cyprus. Undoubtedly, the content of the proposal is in conformity with the repeated calls and expectations of the international community. The goal of the proposal is the eliminat on of all restrictions for both sides in Cyprus, providing substantial benefits to all parties and promoting socio-economic development in which concerned parties can work together towards a settlement. As was also mentioned in the action plan, the ultimate aim remains the comprehensive settlement of the Cyprus problem on the basis of the United Nations settlement plan. Within this framework, we invite all countries to evaluate this constructive proposal seriously.

Paragraphs 8 and 14 of the above-mentioned report (S/2006/315) refer to the incidents of stone-throwing, ill discipline, threats and weapon-pointing along the ceasefire lines. However, the report refrains from indicating which of the opposing forces is responsible for this provocative behaviour, creating the impression that the

number of incidents caused by each side is roughly equal. Therefore, we deem it necessary to bring to your kind attention the fact that, within the six month period in question, our side issued 131 protests, 30 of which were regarding incidents of provocation in the buffer zone, and received 10 protests only, which makes it clear that the Greek Cypriot side is accountable for the vast majority of these unwarranted incidents along the ceasefire lines.

It is disturbing to observe that the Turkish Cypriot side's propitious initiative in the service of the opening of a new crossing point was described as a unilateral decision in paragraph 9 of the report, despite the fact that the Turkish Cypriot side did share its plans concerning the construction of a footbridge at the Lokmaci gate with the Greek Cypriot side as well as with the United Nations Development Programme (UNDP) at The Partnership for the Future meetings under the Nicosia Master Plan and also communicated its intention through the United Nations Peacekeeping Force in Cyprus (UNFICYP) and the media. As already conveyed to you by President Talat in his letter dated 12 December 2005, the reason that tripartite (United Nations, Turkish Cypriot side and Greek Cypriot side) dialogue was not possible on the issue was due to the Greek Cypriot side's policy of non-cooperation with the Turkish Cypriot authorities at any level.

As an indication of the Greek Cypriot motives, it should be underlined that the Greek Cypriot side not only rejects the opening of the crossing point, but, unlike the Turkish Cypriot side, which has pulled down the wall on its side of the buffer zone, refuses to demolish the wall of separation on its side of the street, preferring, instead, to continue using it as an altar of propaganda for visitors. The futile debate the Greek Cypriot leadership has launched concerning the exact delineation of the ceasefire line in the area is also aimed at preventing the opening of the gate.

For the sake of preventing the escalation of incidents as well as the emergence of new areas of controversy, the preservation of the status quo regarding the buffer zone is of paramount importance. It should be emphasized that there are two agreements between our side and UNFICYP within this context. One, dated 1 April 1976, limits the right of UNFICYP personnel to approach our ceasefire line within 200 metres while determining their overall conduct during patrolling activities. The other, dated 18 October 1988, relates to agricultural land in the buffer zone and specifies UNFICYP's role in the opening of lands for cultivation. Abiding by the provisions of these two agreements along with the strict observance of the principles of justice and neutrality between the two sides suffice to maintain violations of the buffer zone at a minimum, rendering recourse to unilaterally developed documents such as "aide-memoire" (S/2006/315, para. 10) unnecessary. We are of the view, also, that the introduction of new, contentious subjects in the agenda, such as the delineation of the ceasefire line, is unhelpful to the situation on the ground.

We believe that the issue of construction of an observation post in the vicinity of Dherinia was not reflected correctly in the report (S/2006/315, para. 11). Overlooking the fact that the Greek Cypriot National Guard has constructed a completely new observation post, their action was recorded only as an "improvement" of an existing post. Furthermore, the report limited its treatment of the issue to the most recent three month period, hence failing to put on record the full account of events, although the matter has been taken up repeatedly with UNFICYP officials since July 2005, both at meetings and through the exchange of

several letters, in which we clearly expressed our concerns and justified our objections in this regard.

During that time, as an indication of our goodwill, we acted with restraint, giving ample time for the Greek Cypriot side to dismantle the post and return to the status quo ante. Yet no action was taken in the concerned area. It was only after these developments that, in line with the principle of reciprocity and with the aim of preserving the military status quo in the area, we also undertook the construction of an observation post in the vicinity.

There are no "new restrictions" (S/2006/315, para. 12) on the movement of UNFICYP and the situation remains the same as when those that existed were lifted in May 2005. The reference made to the so-called restrictions of movements of UNFICYP police in the Karpaz area, albeit with the caveat that a solution had been found, amounts to a non-existent problem being included in the report. It should be reiterated that there are well placed procedures for access by UNFICYP personnel to Karpaz, which have allowed them to both conduct their mission in uniform using official vehicles and to undertake social visits in civilian clothes and vehicles during off-duty hours. Such an unwarranted reference creates the impression that there has been a change in this regime, which has been functioning smoothly for decades.

It is disappointing to observe that there is continued reference in paragraph 13 attributing responsibility to Turkey regarding Varosha. We therefore deem it necessary to recall that Turkey has no political authority or jurisdiction in Northern Cyprus. These are matters that are solely in the hands of the legitimate, democratically elected authorities of the Turkish Republic of Northern Cyprus whose jurisdiction extends over the whole territory of the Turkish Republic of Northern Cyprus, including Varosha.

The inappropriate practice of referring to the village of Akyar has continued in the report (S/2006/315, para. 13), which leads us to put on record, once again, that Akyar is within the territory of the Turkish Republic of Northern Cyprus. The village that is adjacent to the British base area has no connection to the buffer zone, and therefore falls outside the scope of the UNFICYP mission. The number of sentries at the observation post in question varies according to the requirements of the effective fight against the trafficking of persons and goods which, incidentally, has increased following the accession of Southern Cyprus to the European Union.

Regarding the reference to the checkpoint at the Akincilar village in the same paragraph, it should be borne in mind that the observation post concerned, which is also completely within the boundaries of the Turkish Republic of Northern Cyprus, was constructed with the same concerns. It is worth remembering that an agreement was reached with UNFICYP for the use of the said checkpoint by the Turkish Cypriot police for patrolling at intervals. However, a permanent police presence has been established in the area following an incident in which a Greek Cypriot politician violated the buffer zone and removed the flag at the post.

The report notes that "UNFICYP intends to resume efforts to encourage the military of both sides to pull back from the buffer zone and unman positions in old Nicosia" (S/2006/315, para. 14). The intention comes at a time when the Greek Cypriot side has increased its violation of the Unmanning Agreement of 1989. As UNFICYP is aware, on 15 May 2006, the Greek Cypriot National Guard manned the old observation post opposite Yigitler Bastion in sector 2, which has been unmanned

since 1989 in line with the agreement of that date. Undoubtedly, such an action is in clear violation of the 1989 Unmanning Agreement, which both sides have agreed upon. Although UNFICYP authorities responded to our strong protests and warned the Greek Cypriot military force, calling for immediate unmanning of the relevant post, the Greek Cypriot side continues to violate the said agreement. Taking this opportunity, we would like to express, once again, our serious concern about the recent actions of the Greek Cypriot side that will no doubt lead to an increase in tension, and urge all interested parties to impress upon the Greek Cypriot authorities the unconstructive nature of their actions.

With regard to paragraph 16 concerning demining in the buffer zone, our relevant authority, namely the Turkish Cypriot Security Forces Command, is yet to receive any demand for consultations to extend demining beyond the Nicosia area.

We consider it a serious shortcoming that the terminology in paragraph 17 on the restoration of normal conditions and humanitarian functions does not reflect the delaying tactics of the Greek Cypriot administration regarding the opening of Bostanci border gate. Although the Turkish Cypriot side has concluded all the necessary preparations for opening the Bostanci crossing an unilaterally opened the border gate on 31 August 2005, the crossing was not fully functional until 30 March 2006 owing to the difficulties created intentionally by the Greek Cypriot side.

It is interesting that paragraph 18 of the report, which deals with trade across the buffer zone, fails to mention Greek Cypriot obstructionism regarding the movement of goods and vehicles from north to south Cyprus. The Greek Cypriot administration's refusal to accept driving licenses as well as commercial license plates issued in Northern Cyprus, for example, stands as an effective impediment to the crossing into Southern Cyprus of commercial vehicles registered in the north. In a similar vein, exporters face arbitrary and discriminatory restrictions of Greek Cypriot customs and other officials at the crossing points, even if their products fall within the scope of the green line regulation. You will be interested to learn that the Greek Cypriot authorities have fined 9,534 people 80,208 Cyprus pounds for the goods they have attempted to import from Northern Cyprus since the opening of the border in April 2003. A total of 65 Greek Cypriots were taken to court for offences related to such importation and sentenced to fines of 26,130 Cyprus pounds. One Greek Cypriot was imprisoned for 30 days. The cases of 18 other Greek Cypriots are pending (the Greek Cypriot daily, *Simerini*, 15 May 2006). It is no wonder that the volume of trade from the north to the south is less than 2 per cent of the total export of the Turkish Cypriot side for 2005. It is obvious that the Greek Cypriot leadership is determined to prevent the creation of the necessary conditions for achieving the economic integration of the Turkish Cypriot side with the outside world and will continue to turn a deaf ear to the calls by the international community to end the isolation of the Turkish Cypriot people.

Regarding the establishment of a Turkish primary school in Limassol, the reference in paragraph 20 of your report to the so-called "special measures" undertaken by the Greek Cypriot side only serves to relieve it of its clear obligation to establish a Turkish Cypriot school by giving the wrong impression that the necessary steps were taken to provide for the education of the Turkish Cypriot pupils. The truth of the matter is that the Greek Cypriot side is employing such tactical moves in an attempt to absolve itself of its responsibility regarding the opening of a Turkish school in Limassol. In this regard, I would like to remind you,

once again, that it has been more than 10 years since the Greek Cypriot administration's commitment to open a Turkish Cypriot school in the south was first recorded by the United Nations. In the report submitted to the Security Council by your predecessor, Boutros Boutros-Ghali, dated 7 June 1996 (S/1996/411), it was stated that the Greek Cypriot administration had "accepted the recommendation of UNFICYP to establish a Turkish Cypriot elementary school staffed by a Turkish Cypriot teacher".

It is a well-know fact that, as the Turkish Cypriot side, we have continuously taken concrete steps designed to contribute to the confidence-building and mutual trust between the two peoples of the island, paying utmost attention to provide for the education of Greek Cypriot children resident in Northern Cyprus. It is only natural to expect that our actions are reciprocated by the Greek Cypriot side, in this case by the opening of a school for Turkish Cypriot children resident in Southern Cyprus, with full adherence to the principles observed for the opening of the Greek Cypriot secondary school in Karpaz.

Moreover, the Greek Cypriot administration has repeated its commitment, in writing, to such action, to the United Nations peacekeeping force authorities in March 2005. However, the school is yet to be established in south Cyprus, despite our continuous calls and efforts by the United Nations peacekeeping force for the establishment of a Turkish Cypriot elementary school staffed by Turkish Cypriot teachers. In the light of these circumstances, we expect UNFICYP to be more vigilant in inviting the Greek Cypriot authorities to respect the rights of the Turkish Cypriot children and to expose the Greek Cypriot delaying tactics for what they are.

As regards paragraphs 23 and 35 of the report, which refer to the construction activities carried out in the buffer zone "primarily" by the Greek Cypriots, it should be stated at the outset that there are no construction activities carried out by Turkish Cypriots in the buffer zone. The tone and wording of these paragraphs far from reflect the seriousness of the construction activities, give the impression that UNFICYP, in principle, is not against such activities in the buffer zone, given that prior permission has been obtained from UNFICYP.

Furthermore, we also find it difficult to understand why paragraph 23 of the report, which deals with these construction activities, is placed under the subsection C. "Restoration of normal conditions and humanitarian functions", rather than the relevant and proper subsection A, "Prevention of a recurrence of fighting and maintenance of the military status quo". The misplacement of this paragraph, together with its tone and wording, unintentionally downplay the importance and seriousness of such activities and carry the risk of encouraging further construction in the buffer zone. As is known, pending a comprehensive settlement, it is among the prime responsibilities of UNFICYP to preserve the status quo in the buffer zone. It is obvious that condoning such construction activities will inevitably change the status quo in the buffer zone.

Apart from its negative ramifications on the military status quo, allowing such construction activities in the buffer zone will also have a direct effect on the territorial aspect of a future comprehensive settlement of the Cyprus problem by prejudging as of today the status and ownership of the buffer zone in such a settlement. Thus, we urge UNFICYP to reconsider its favourable assessment of such construction activities and preserve the status quo in the buffer zone. We believe that allowing such construction activities in the buffer zone would jeopardize the

steadily improving atmosphere along the ceasefire lines, which has also been repeatedly observed in your recent reports on UNFICYP.

As regards paragraph 24, which deals with the increase of crime through the buffer zone, it should be reiterated that we have repeatedly expressed our readiness to establish contacts at all levels and to cooperate with the Greek Cypriot side in the fight against smuggling, drug trafficking, illegal immigration, human trafficking and similar vice. Our numerous calls to open contacts with a view to discussing humanitarian and practical affairs have so far been met with a rebuff by the Greek Cypriot side. Therefore, attempts to enhance information-sharing on criminal matters have resulted in little success. We think that the report should have made clear that it is the Greek Cypriot side that rejects such cooperation, despite repeated calls by the Turkish Cypriot side, and hope that your Special Representative's recent initiative for technical discussions on topics of practical nature will bear fruit, thus leading to a substantial decrease in crime through the buffer zone.

Regarding chapter IV of the report, we fully share your observation that early completion of the work of the Committee on Missing Persons would be of benefit to all concerned. We also concur with your view that a considerable amount of work has been done and that the matter should certainly be kept clear of any politicization.

We observe with disappointment that paragraph 38 fails to mention that the views of the parties would be sought during the review of the mandate of UNFICYP. Peacekeeping in any part of the world can only be conducted with the consent and cooperation of all the parties concerned. It is in line with this established United Nations principle that the views of Greek Cypriot and Turkish Cypriot sides as well as of the three guarantor powers are sought for the extension of the UNFICYP mandate. Moreover, it is a well-known and accepted fact that UNFICYP functions in Cyprus with the consent and cooperation of the Turkish Cypriot side also. We firmly believe, therefore, that this undeniable reality needs to be reflected in all relevant United Nations documents in explicitly language.

Since you observed in your report the "need to match words with action" (S/2006/315, para. 40), we cannot but recall your report of 28 May 2004, which openly stated that it was time for the Greek Cypriot side to demonstrate its readiness "to share power and prosperity with the Turkish Cypriots [...] not just by word but by action" (S/2004/347, para. 86). Continuing to demonstrate our constructive approach on the way to building a common future for the two peoples living on the island, we would like to reiterate our resolve to ensure that the search for the settlement of the Cyprus problem does not stray from the established parameters of political equality and bizonality.

(*Signed*) Serdar R. **Denktaş**
Deputy Prime Minister and Minister for Foreign Affairs